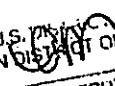


JUDGE KATHLEEN CARDONE

REC-7

AUG 31 2026

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

Irenaldo Larrondo Barrera, *Pro Se*

A# 

Petitioner,

v.

Todd Blanche, U.S. ATTORNEY GENERAL,
Markwayne Mullin, SECRETARY OF THE
DEPARTMENT OF HOMELAND
SECURITY,

Maria De Anda Ybara, U.S. ICE FIELD
OFFICE DIRECTOR,

Respondents.

UNITED STATES COURT
FOR THE WESTERN DISTRICT OF TEXAS

EP26CV2255

Civil Action No.

PETITION FOR A WRIT OF
HABEAS CORPUS PURSUANT
TO 28 U.S.C. §2241,
BY A PERSON SUBJECT TO
INDEFINITE IMMIGRATION
DETENTION.

BACKGROUND

1. I, Irenaldo Larrondo Barrera, hereby petition this Court for a writ of Habeas corpus to remedy Petitioner's unlawful detention by Respondents, and to enjoin Petitioner's continued unlawful detention by the Respondent. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

CUSTODY

2. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is detained at the El Paso Processing Center in El Paso, Texas. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

3. The constitution guarantees that the writ of Habeas corpus is "available to every individual detained within the United States." *Hamdi v. Rumsfeld*, 542 U.S. 507, 525, 124 S. Ct. 2633, 159 L. Ed. 2d 578 (2004). (citing U.S. CONST. Art. 1, §9, cl.2) This includes immigration related detention. *Zadvydas v. Davis*, 533 U.S. 678, 687, 121 S. Ct. 2491, 150 L. Ed. 2d 653 (2001). The petitioner seeking Habeas relief must demonstrate they are in custody in violation of the Constitution or federal law. 28 U.S.C. §2241 (c)

(2); *Walker v. Johnston*, 312 U.S. 275, 280, 61 S. Ct. 574, 85 L. Ed. 830 (1941).

EXHAUSTION OF REMEDIES

4. Petitioner has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action.

PARTIES

5. Petitioner is a native of Cuba, who was paroled into the United States on October 17, 1995 at the Miami International Airport in Miami, Florida. On April 4th, 2026, he was detained by ICE. He is now detained at the El Paso Processing Center.

6. Respondent Todd Blanche 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 Naturalization Act (INA). As such, Todd Blanche has ultimate custodial authority over Petitioner.

7. Respondent Markwayne Mullen is the Secretary of the Department of Homeland Security. He is responsible for the administration of ICE and the implementation and enforcement of the INA. As such, Markwayne Mullen is the legal custodian of Petitioner.

9. Respondent Maria De Anda-Ybara is the ICE Field Office Director of the EOIR Field Office of ICE and is Petitioner's immediate custodian. *See Vasquez v. Reno*, 233 F.3d 688, 690 (1st Cir. 2000), cert. Denied, 122 S. Ct. 43 (2001).

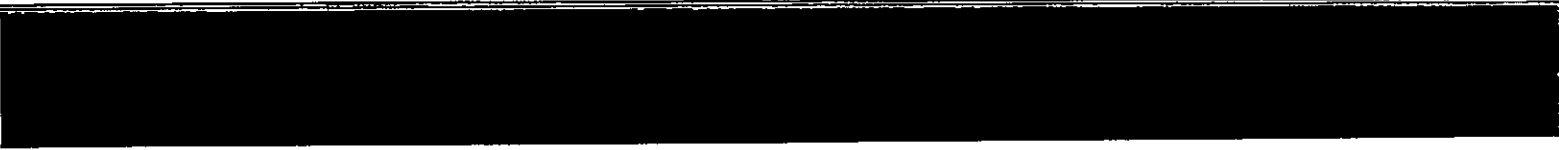
HISTORY AND AFFIDAVIT

10. I, Irenaldo Larrondo Barrera, Petitioner was born on  1969 in Cuba.

11. Life in Cuba was hard due to the oppressive government of the day. My family suffered from the oppressive government, and as a result, my family fled to Guantanamo bay in 1994, where we lived for a year before we moved to the United States in 1995.

13. My family and I arrived in Florida, United States in October 1995. We have lived in Florida ever since.

14. In 2004, I was arrested, charged and convicted for drug trafficking. I was subsequently sentenced to 4 years in prison. While serving prison time for the drug trafficking conviction, immigration authorities served me with a Notice to Appear due to my drug conviction. I was put in removal proceedings by the Immigration Authorities/DHS.



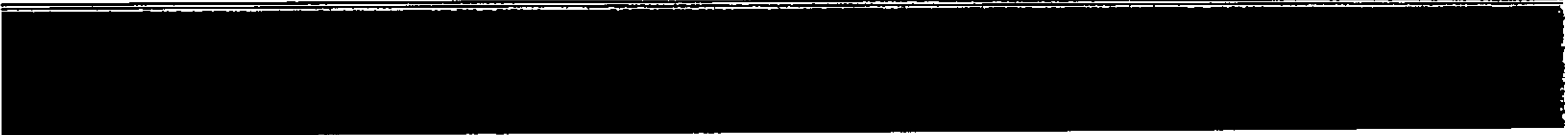
15. On December 8, 2004, the Immigration Judge ordered me deported to Cuba. I did not reserve my right to appeal. My removal order became administratively final.

16. On January 19, 2007, after serving my prison time and upon my release, I was detained by immigration officials for execution of the final order of removal. I spent 38 days in immigration detention before I was released on Order of Supervision because Cuba did not accept me for repatriation.

17. On December 29, 2008, I was again detained by immigration authorities for removal. On March 27, 2009, after spending 88 days in custody, I was again released on Order of Supervision because immigration authorities could not deport me to Cuba because the Cuban Government would not accept me for repatriation.

18. After my release from immigration detention in 2009, I rebuilt my life. I established a business in Florida and reunited with my family.

19. I am the bread winner of my family. My family depends on me for both financial and emotional support. I am the sole care-giver of my elderly mom who is a U.S Citizen. I have two kids and two grand children, all U.S citizens. I also have a property in Tampa, Florida. See Exhibit A.



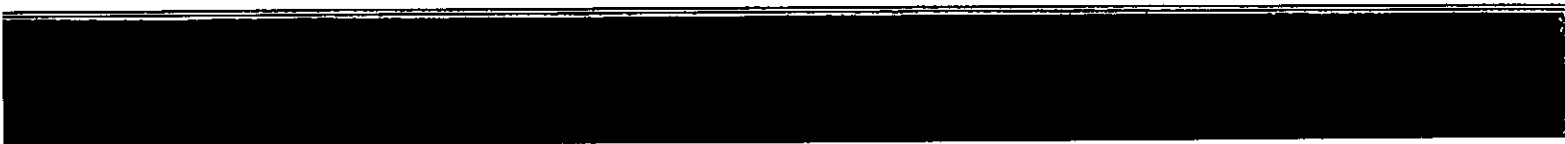
20. On December 20, 2025, I was arrested by the Hillsborough County Sheriff and convicted for Possession of drug Paraphernalia and Possession of cannabis less than 20 grams.

21. I was sentenced to three months in county Jail. On April 4, 2026, upon my release from jail, I was again detained by Immigration and Customs Enforcement (ICE).

22. I was first detained at the alligator Alcatraz detention center, Florida where I spent 68 days before I was transferred to the El Paso Service processing detention center on June 15, 2026. I am currently being detained at the El Paso processing detention center, El Paso, Texas.

23. In July 2026, ICE tried to remove me to Mexico without affording me the opportunity to present a fear-based claim to that country. I refused repatriation to Mexico because I fear for my safety outside of the United States and also because I do not have a legal status in Mexico.

24. On August 18, 2026, after 136 days in my current detention, ICE finally conducted the 90 days custody review. The document states "ICE has determined to maintain your custody because you have not demonstrated that if released, 'you will not pose a danger to the community, to the safety of other persons, or to property.'" See Exhibit C.



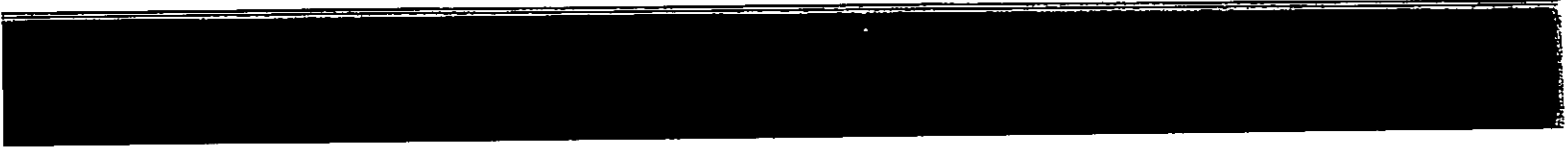
25. I have now been detained for over 8 months cumulatively post-final removal order. This includes prior detentions of 38 days between January 19, 2007 and February 26, 2007, 88 days between December 2008 and March 2009, and 144 days in my current detention. See Exhibit B.

26. This current detention has affected my physical and mental health. I have high blood pressure that is poorly managed here in detention. I have also been diagnosed with Depression and Anxiety, which is only made worse by my detention. My sights are going bad. I can barely see, even with glasses. I do not have access to the right glass prescription here in detention.

27. I pray that my habeas petition be granted so I can go home to take proper care of my health and reunite with my family.

28. I thank this Honorable Court for the time allotted to me and for the consideration of my petition.

LEGAL FRAMEWORK:



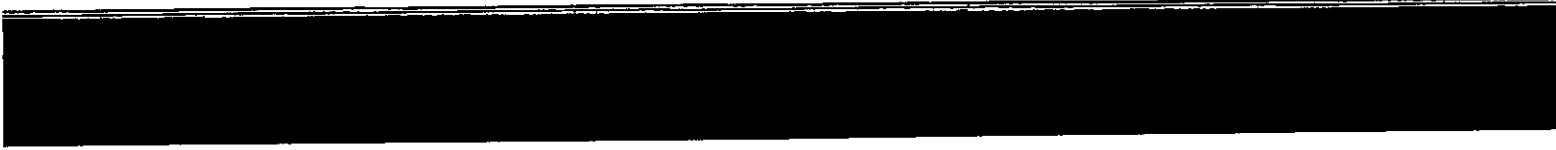
29. A federal court may grant a writ of habeas corpus to any person held “in custody in violation of the constitution or laws or treaties of the United States.” 28 U.S.C. §2241(c) (3). Habeas Corpus “entitles a prisoner to a meaningful opportunity to demonstrate that he is being held pursuant to ‘the erroneous application or interpretation’ of relevant law.” *Boumediene v. Bush*, 533 U.S. 723, 779, 128 S. Ct. 2229, 171 L. Ed. 2d 41 (2008) (quoting *INS v. St.Cyr*, 533 U.S. 289, 302, 121 S. Ct. 2271, 150 L. Ed. 2d 347 (2001)).

30. “The essence of habeas corpus is an attack by a person in custody upon the legality of that custody,” and thus to warrant relief, a petitioner must demonstrate that his detention is unlawful. *Preiser v. Rodriguez*, 411 U.S. 475, 484, 93 S. Ct. 1827, 36 L. Ed. 2d 439 (1973); See *Lambert V. Blodgett*, 393 F. 3d 943, 969 n. 16 (9th Cir. 2004) (“In state collateral litigation, as well as federal habeas proceedings, it is the Petitioner who bears the burden of proving his case.”); See also *Davis v. Woodford*, 384 F. 3d. 628, 638 (9th Cir. 2004) (“Petitioner carries the burden of proving by a preponderance of the evidence that he is entitled to habeas relief” when challenging incarceration by the state under 28 U.S.C. §2254). A district court’s habeas jurisdiction extends to challenges to immigration related detention. *Zadvydas v. Davis*, 533 U.S. 678, 687, 121 S. Ct. 2491. 150 L. Ed. 2d. 653 (2001); *Demore v. Kim*, 538 U.S. 510, 517, 123 S. Ct. 1708, 155 L. Ed. 2d. 724 (2003).

31. The detention of non-citizens who have been ordered removed from the United States is governed by 8 U.S.C §1231(a). “In particular, §1231(a)(6) provides that after a 90 day ‘removal period’, a non-citizen ‘may be detained’ or may be released under terms of supervision.” *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 575, 142 S. Ct. 1827, 213 L. Ed. 2D 125 (2022). After this 90 day removal period has elapsed, ongoing detention is only authorized for “four categories of people: (1) those who are ‘inadmissible’ on certain specified grounds; (2) those who are ‘removable’ on certain specified grounds; (3) those it determines ‘to be a risk to the community; and (4) those it determines to be ‘unlikely to comply with the order of removal.’” *Arteaga-Martinez*, 596 U.S. at 578-79 (quoting U.S.C. §1231(a)(6)). Detention beyond the 90-day removal period may also be extended if the non-citizen fails or refuses to make timely application in good faith for travel or other documents necessary to the non-citizen’s departure or conspires or acts to prevent the non-citizen’s removal. 8 U.S.C. §1231(a)(1)(C).

32. The Supreme Court examined the constitutional limits of detention under §1231(a)(6) in *Zadvydas v. Davis*, describing as “obvious” the “serious constitutional problem arising out of a statute that, in these circumstances, permits an indefinite, perhaps permanent, deprivation of liberty without any procedural protections. 533 U.S. at 692 (2001). *Zadvydas* read an implicit due process limitation into the immigration statute governing the removal of non-citizens subject to a final order of removal in order to

avoid serious constitutional problems. The Supreme Court reasoned that the “Due



Process Clause applies to all ‘persons’ within the United States, including non-citizens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 699. In order to establish a uniform standard for determining when ongoing detention crosses constitutionally acceptable limits, the Court recognized a presumptively reasonable six-month period of detention. *Id.* at 701. If a non-citizen “provides a good reason that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing,” *Id.*

33. Regulations issued by the Department of Homeland Security (“DHS”) in the wake of *Zadvydas* require internal review of the ongoing detention of a non-citizen who has a final removal order. See Continued Detention of Aliens Subject to Final Orders of Removal. 66 Fed. Reg 56967-01, 2001 WL 1408247 (Nov. 14, 2001). After the 90-day removal period has expired, a non-citizen may request a review of whether there is a “significant likelihood of removal to the country to which he or she was ordered removed, or to a third country, in the reasonably foreseeable future.” 8 C.F.R. §241.13(a). If it is determined that there is no significant likelihood of removal in the reasonably foreseeable future, the Government “shall promptly make arrangements for the release of the non-citizen subject to Order of Supervision.”

CLAIMS FOR RELIEF

COUNT ONE

I. STATUTORY VIOLATION

A. PETITIONER'S DETENTION IS NOT PRESUMPTIVELY REASONABLE

34. Petitioner's most recent period of ICE custody began on April 4, 2026, more than four months ago. Prior to April 2026, after the 2004 removal order, Petitioner had been detained twice for an aggregate of 126 days. These prior periods of post-final order detention should be aggregated with the current period of detention in determining whether Petitioner remained within the presumptively reasonable six month period. See *Nguyen v. Scott*, 796 F. Supp. 3D 703. 721-22 (W.D. Wash. 2025) (adding prior periods of detention to current period of detention in order to determine whether the Petitioner's detention remained presumptively reasonable); *Sied v. Nielsen*, No. 17-cv-06785-LB, 2018 U.S. Dist. LEXIS 66374, 2018 WL 1876907, at *6 (N.D. Cal. Apr. 19, 2018) (explaining that "the six month period does not reset when the government detains a non-citizen, releases him from detention, and then re-detains him again."); *Chen v. Holder*, No. 6:14-cv-2530, 2015 WL 13236635 at *2 (W.D. La. Nov. 20, 2015) (finding that "surely, under the reasoning of *Zadvydas*, a series of release and re-detention by the government, while technically not in violation of the presumptively reasonable jurispru



dential six month removal period, in essence results an indefinite period of detention, albeit executed in successive six months interval.”).

35. Here, Petitioner’s post-final order detention, including prior and current detention of over 240 days is not presumptively reasonable. *Zadvydas*, 533 U.S. at 701.

**B. EVEN IF WITHIN A PRESUMPTIVELY REASONABLE DURATION,
PETITIONER’S DETENTION HAS BECOME UNREASONABLE**

36. Even if only the current detention of more than four months of detention is considered, this should not foreclose a claim that Petitioner’s detention is unlawful under *Zadvydas*. “*Zadvydas* did not hold that the statute authorizes detention until it approaches constitutional limits; it held that since interpreting the statute to authorize indefinite detention (one plausible reading) would approach constitutional limits, the statute should be read (in line with other plausible reading) to authorize detention only for a period consistent with the purpose of effectuating removal.” *Clark v. Martinez*, 543 U.S. 371, 384, 125 S. Ct. 716, 160 L. Ed. 2D 734 (2005) (citing *Zavydas*, 533 U.S. at 697-99); See also *Uzzhina v. Chestnut*, No. 1:25-cv-01594-DAD-SCR, 2025 U.S. Dist. LEXIS 235062, 2025 WL 3458787, *3 n. 3 (E.D. Cal. Dec. 2, 2025) (“The fact that a non-citizen has been held in custody in less than six months does not foreclose a claim that his or her detention is unlawful under *Zadvydas*”); *Trinh v. Homan*, 466 F. Supp. 3D

1077, 1092 (C.D. Cal. 2020) (explaining that “at no point did the Zadvydas court preclude a non-citizen from challenging their detention before the end of the presumptively reasonable six-month period”); *Medina v. Noem*, 794 F. Supp. 3d 365, 375 (D. Md. 2025) (noting that “what Zadvydas did make clear was that it was adopting a presumption – not a conclusive bar to adjudication of whether continued detention is authorized that lifts only after six months have elapsed”); *Vijdani v. Mattos*, No. 2:25-cv-02496-GMN-EJY, 2026 U.S. Dist. LEXIS 40648, 2026 WL 560209, at *3-4 (D. Nev. Feb. 27, 2026) (collecting cases concluding the same).

37. Here, even if the prior periods of detention were disregarded, Petitioner has overcome the presumption of reasonableness under *Zadvydas*. Immigration authorities have been unable to remove Petitioner to Cuba since the December 2004 removal order, and they were equally unsuccessful in their recent attempt to remove him to Mexico. There is nothing at this time to suggest that removal will somehow be effectuated after his current period of detention reaches six months.

C. NO SIGNIFICANT LIKELIHOOD OF REMOVAL IN THE REASONABLY FORESEEABLE FUTURE.

38. In the 22 years since the removal order, the Government has been unsuccessful in effectuating Petitioner's removal to Cuba. The Government has also been unsuccessful in trying to remove Petitioner to Mexico.

39. There is no evidence to demonstrate a reasonable likelihood of Petitioner's removal to either Cuba or Mexico in the reasonably foreseeable future. ICE informed Petitioner that Cuba did not accept him for repatriation. Petitioner refused to be repatriated to Mexico because he fears for his safety outside of the United States and Petitioner has no legal status in that country. Petitioner was also not provided "Due Process" in Government's attempt to remove him to a third country. Petitioner was not provided the opportunity to present fear-based claim to a third country, a country not listed on his removal order.

40. If the Government attempts to remove Petitioner to a third country such as Mexico, it must comply with the due process requirements of notice and a reasonable opportunity to be heard before a third country removal can be effectuated. *Perez Canet v. Blanche*, No. 2:26-cv-00223-APG-NJK, 2026 U.S. Dist. LEXIS 88196, 2026 WL 1091763, at *4 (D. Nev. Apr. 22, 2026)(collecting cases). The Government must provide "written notice of the country being designated" and "the statutory basis for the designation." *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1019 (W.D. Wash.2019).



41. Additionally, the Government must ask Petitioner whether he fears persecution or harm upon removal to the third country, and his response must be memorialized in a writing signed by Petitioner. *Id.* “If the non-citizen expresses a fear of persecution or harm, DHS must inform the non-citizen that he or she may seek Asylum, Withholding, and relief under the CAT by filing a motion to reopen with the Immigration Courts.” *Id.* Finally, the Government must give Petitioner “adequate time to prepare and file a motion to reopen in order to challenge the DHS’ country designation and/or apply for Asylum, Withholding, and relief under the CAT.” *Id.* At 1020; See also *A.A.M. v. Andrews*, 815 F. Supp. 3d. 1124, 1138 (E.D. Cal. Dec. 4, 2025)(concluding the Petitioner was likely to succeed on the merits because “Due Process requires Petitioner be provided an opportunity to have his fear-based claims for removal to a third country considered by an immigration judge”).

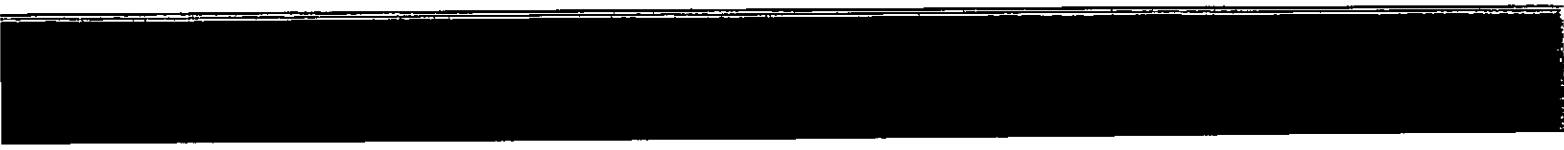
42. Sometime in June 2026, the Government/ICE tried to remove/repatriate Petitioner to Mexico without affording him the opportunity to present a fear-based claim. This is a violation of Petitioner’s due process rights as protected by the Fifth Amendment. The Government failed to comply with the due process requirement of “reasonably opportunity to be heard” before a third country removal can be effectuated.



43. The Government has not provided any evidence to demonstrate that Cuba would now be willing to accept Petitioner, and their attempt to remove Petitioner to Mexico in July implies that they do not foresee effectuating removal to Cuba.

44. On August 18, 2026, ICE conducted the 90 days review after Petitioner has spent 136 days in detention. Petitioner was handed a document that states ICE has determined to maintain custody because "Petitioner posed a danger to the community, to the safety of other persons, or to property." In that document, ICE did not check the box that states "ICE is in receipt of or expects to receive the necessary travel documents to effectuate your removal, and removal is practicable, likely to occur in the reasonably foreseeable future, and in the public interest." This simply means ICE is not in receipt of and do not expect to receive the necessary travel documents to effectuate Petitioner's removal. If after four months in detention, ICE is still not in receipt of travel documents to effectuate Petitioner's removal, this is a clear indication that there is good reason to believe that Petitioner's removal is not significantly likely in the reasonably foreseeable future.

45. Therefore, Petitioner has met his burden of establishing a "good reason to believe" that there is no significant likelihood of his (Petitioner) removal in the reasonably foreseeable future.



COUNT TWO

II. DUE PROCESS VIOLATION

**D. INDEFINITE IMMIGRATION DETENTION, AS DEFINED BY THE
SUPREME COURT IN ZADVYDAS VIOLATES DUE PROCESS.**

46. Petitioner's current detention since April 4, 2026 is now over 4 months. Petitioner's continued detention violates due process because there is no significant likelihood he will be removed in the reasonably foreseeable future and ICE is keeping him in indefinite detention.

47. The Due Process Clause applies to all 'persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent. *Zadvydas*, 533 U.S. at 693.

Due Process protections cover non-citizens subject to final order of removal, limiting how long they may be detained. *Id.* At 693-701. After a final order of removal, the Government ordinarily secures the non-citizen's removal "during a subsequent 90-day statutory 'removal period'; during which time the alien normally is held in custody."

Zadvydas, 533 U.S. at 682. Petitioner is detained under 8 U.S.C. §1231(a)(6), a "special

statute that authorizes further detention if the Government fails to remove the alien during the 90 days.” *Id.* Under that statute, ICE may continue to detain certain removable non-citizens past the 90-day window, or it may chose to release them on conditions of supervised release. *Id.* (citing 8 U.S.C. §1231(a)(6)).

But this authority is not unlimited. In *Zadvydas*, the Supreme Court held that the statute “does not permit indefinite detention.” 533 U.S. at 689. Rather, it allows detention only for “a period reasonably necessary to bring about the non-citizen’s removal from the United States.” *Id.* “Once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.” *Id.* At 699.

48. Six months is the presumptive ceiling for reasonable detention. *Id.* at 701. After six months, the burden is on the non-citizen to show “that there is good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” *Nguyen v. Scott*, 796 F. Supp. 3d 703, 721 (W.D. Wash. 2025) (quoting *Pelich v. INS.*, 329 F. 3d 1057, 1059 (9th Cir. 2003)). The burden then shifts to the Government to rebut that showing. *Zadvydas*, 533 U.S. at 701. “As the period of prior post-removal confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.” *Id.* The Government’s burden to justify continued detention thus becomes increasingly demanding over time.

49. Furthermore, “the presumptively reasonable period of detention does not reset each time a non-citizen is detained; rather, the aggregate time in detention post-removal order is considered.” *Yukse v. Bondi*, No. 2:25-cv-02555-DGE-GJL, 2026 U.S. Dist. LEXIS 3497, 2026 WL 60346, at *2 (W.D. Wash. Jan. 8, 2026) (citing *Nguyen*, 796 F. Supp. 3d at 721-22 (W.D. Wash. 2025) (collecting cases).

50. Over the course of Petitioner’s presence in the United States, Petitioner has spent more than 240 days in immigration detention before being released on OSUP. He was first detained for 38 days between January 19, 2007 and February 26, 2007. Petitioner was next detained for 88 days between December 29, 2008 and March 27, 2009. And now, he has been detained since April 4, 2026. Petitioner’s total time in immigration exceeds 7 months. This is not presumptively reasonable.

51. Petitioner’s 90 days custody review document states that ICE has determined to maintain custody because “Petitioner posed a danger to the community, to the safety of other persons, or to property.” This clearly indicates that Petitioner’s current detention is not because the Government/ ICE believe they can remove Petitioner in the reasonably foreseeable future, but because they conclude he poses a danger to the community.

52. *Zadvydas*, 533 U.S. at 690, “the Court has made clear that the general goal of preventing danger to the community is insufficient to support indefinite detention.” *Id.* at



690-91. (“we have upheld preventive detention based on dangerousness only when limited to specially dangerous individual and subject to strong procedural protections”).

“In cases in which preventive detention is of potentially indefinite duration, the Court has also demanded that the dangerousness rationale be accompanied by some other special circumstances, such as mental illness, that helps to create the danger.” *Id.* at 691 (citing *Kansas v. Hendricks*, 521 U.S. 346, 368, 117 S. Ct. 2072, 138 L. Ed. 2d 501 (1997)). Furthermore, *Zadvydas* noted that “where detention’s goal is no longer practically attainable, detention no longer ‘bears a reasonable relation to the purpose for which the individual was committed.’” *Zadvydas*, 533 U.S. at 690 (quoting *Jackson v. Indiana*, 406 U.S. 715, 738, 92 S. Ct. 1845, 32 L. Ed. 2d 435 (1972)). The *Zadydas* court found that preventing danger to the community was not an adequate justification for indefinite detention of aliens under §1231 where “the provision authorizing detention does not apply narrowly to a small segment of particularly dangerous criminals, say, suspected terrorists, but broadly to aliens ordered removed for many and various reasons, including tourist visa violation.” *Zadvydas*, 533 U.S. at 691.

53. ICE has no authority to hold Petitioner indefinitely based on the “dangerousness” ground, as that is contrary to what *Zadvydas* stands for. Petitioner’s indefinite detention by ICE is a violation of Petitioner’s Due Process rights as protected by the Fifth

Amendment.



54. The Government has so far provided no evidence to show that Petitioner's removal to Cuba or any other country is any more likely now than it had been for the past 22 years.

55. Petitioner hereby argues that he is in indefinite detention as no new removal date has been established and because the Cuban government has refused his repatriation from the United States.

56. For these reasons, Petitioner has met his burden to show there is no question of material fact with respect to ICE's violation of his substantive due process rights.

CONCLUSION

57. Under *Zadyvydas*, courts have found that there is no significant likelihood of removal and granted relief where:

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- No Country will accept the Petitioner. *See, e.g., Jabir v. Ashcroft*, No. 03-2480. 2004 WL 60318 (E.D. La. Jan. 8, 2004) (granting habeas relief to petitioner detained for more than fourteen months after numerous countries refused to repatriate the petitioner).
- The petitioner's country of origin refuses to issue a travel document. *See, e.g., Alexis v. Smith*, No. 11-0309, 2011 WL 3924247 (W.D. La. Aug. 3, 2011) (granting habeas relief to petitioner detained for approximately one year due to the Haitian government rejecting the quality of identity documents provided); *Fermine v. Dir. of Immigr. & Customs Enf't*, No. 2:06-cv-1578, 2007 WL 2284606 (W.D. La. May 23, 2007) (granting habeas relief to petitioner detained for fifteen months due to Trinidad's refusal to issue travel documents); *Lijadu v. Gonzales*, No. 06-1208, 2006 WL 3933850 (W.D. La. Dec. 18, 2006) (granting habeas relief to petitioner detained for nineteen months because Nigeria refused to issue travel documents due to petitioner's HIV status).
- There is no removal agreement between the United States and a country. In these scenarios, courts have found that the lack of a formal agreement regarding repatriation, lack of diplomatic relationship, and lack of functioning government support a finding that there is no significant likelihood of removal. *See, e.g., Negusse v. Gonzales*, No. 06-1382, 2007 WL 708615 (W.D. La. Mar. 1, 2007) (granting habeas relief to petitioner detained for approximately one year because the United States did not have a

repatriation agreement with Ethiopia and Ethiopia would not issue travel documents because one of petitioner's parents was not Ethiopian).

- There is no response from a country designated for removal or a significant delay in receiving a response. See, e.g., *Gonzales-Rondon v. Gillis*, 5:19-cv-109-DCB-MTP, 2020 WL 3428983 (S.D. Miss. June 23, 2020) (granting habeas relief to petitioner detained thirteen months where there was no response from Venezuelan officials).
- ICE fails to take action to secure travel document for a prolonged period. See, e.g., *Senor*, 401 F. Supp. 3d at 430-31 (granting habeas relief after ICE initially requested travel documents but where "there was no indication from the record that anyone had taken further action in the eight months since that time to facilitate Senor's receipt of the necessary travel documents").

58. Under *Zadvydas*, if a non-citizen provides good reason to believe that there is no significant likelihood of removal in the reasonable foreseeable future in a habeas corpus petition, the government must respond with evidence sufficient to rebut that showing or release the non-citizen. *Id.* At 701.



59. Petitioner has sufficiently established that his removal to Cuba or any other third country is not reasonably foreseeable and that his ongoing detention is therefore not reasonable necessary to secure his removal. Petitioner is not a citizen of any other country other than Cuba, and ICE has not identified any other third country that will accept him.

60. In conclusion, Petitioner's indefinite detention violates the detention statute and is unconstitutional. Therefore, Petitioner has met his initial burden under *Zadvydas*.

61. For these reasons, the court should find that Petitioner's removal from the United States is not significantly likely to occur in the reasonably foreseeable future, and GRANT Petitioner's habeas corpus petition and ORDER Petitioner's IMMEDIATE release from Respondent's detention/custody.

RELIEF SOUGHT:

Petitioner prays that this Court grant the following relief:

1) Assume jurisdiction over this matter;

2) Grant Petitioner a writ of Habeas corpus directing the Respondents to immediately

release Petitioner from custody under reasonable conditions of supervision.

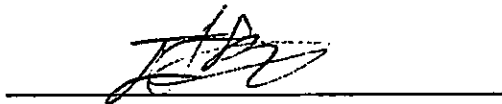
8915 Montana Ave, El Paso, TX 79925.

CERTIFICATE OF SERVICE

I, Irenaldo Larrondo Barrera, certify that a true copy of the above document (Petition for Writ of Habeas Corpus) was served on 08-26-, 2026, upon the following:

Western District Court of Texas
Albert Armendariz, Sr. United States Courthouse
525 Magoffin Avenue
Room 105
El Paso, Texas 79901

by placing a copy of the above in the mail system at the facility where I am detained.



Irenaldo Larrondo Barrera, *Pro Se*

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